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12-2001

## Affidavit OF Naomi Abraham

Naomi Abraham

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NAOMI ABRAHAM, ROBY ABRAHAM, JOAN  
HITTELMAN and EUGENE HITTELMAN

Plaintiffs, 01 CV 10760 (BSJ)

01 CV 10760 (BSJ)

-against- AFFIDAVIT OF

AFFIDAVIT OF  
NORME ABRAHAM

WOODLAND'S OWNERS, INC., JANE DOE,  
JOHN DOE, REEVE SERMAN and  
CARON-ANNE SERMAN

Defendants.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

NAOMI ABRAHAM, being duly sworn, deposes and says:

1. I am one of the plaintiffs in this action and file this affidavit in support of the plaintiffs' motion for a preliminary injunction.

2. The other plaintiffs are my husband, Roby Abraham, and my parents, Joan Hittelman and Eugene Hittelman. Roby Abraham is of Indian descent and a person of color. I am white.

3. This case involves our attempt to purchase the cooperative shares assigned to apartment 3G at 3935 Blackstone Avenue, Riverdale, New York (hereinafter the "subject premises"). Our application was turned down by the Board of Directors for defendant Woodlands Owners, Inc. (hereinafter "Woodlands Owners"), the cooperative corporation which is the owner of the premises at 3935 Blackstone Avenue. We allege that the rejection was because of Roby's national origin and race.



4. Defendants Reeve Serman and Caron-Anne Serman are the owners of the shares assigned to the subject premises and are joined as necessary and interested parties. No claims of discrimination are made against the Sermans who now reside in Ontario, Canada.

5. In approximately September 2000, my husband and I moved into 3935 Blackstone Avenue as renters of apartment 5J. This is where we still reside. Our landlord is Milford Management, the holder of the unsold apartments in the building. Our monthly rent is about \$1700.

6. We have enjoyed living in this building and, therefore, when the Sermans placed the subject premises on the market, we decided to try to buy it. Our bid of \$365,000 was accepted by the Sermans.

7. My parents, plaintiffs Joan and Eugene Hittelman, agreed to help Roby and me purchase the Sermans' apartment. My parents decided to use the proceeds from the sale of a residential property they owned in Long Beach, New York to apply towards the purchase of apartment 3G. As structured, the purchase is to be for all cash with my parents to be co-owners with Roby and me.

8. The unit is to be occupied only by Roby and me. We have agreed with my parents that Roby and I will be responsible for the monthly cooperative maintenance charge of \$1,109.18 and for some payments to be made to my parents. We have not decided on an amount to be paid, but my parents want it to be affordable to us.

9. My parents, Roby and I entered into a contract with the Sermans on August 21, 2001 to purchase the shares for the subject premises. The purchase is conditioned on the



approval by the Board of Directors of Woodlands Owners. A copy of that contract is attached as Exhibit 1.

10. In order to secure the Board's approval, we completed an application form which, among other things, detailed our respective incomes and financial assets. My parents showed a combined annual income of approximately \$217,000 and assets of approximately \$2.5 million. Roby showed an income of approximately \$82,000 and I advised that I am full-time law student at Columbia Law School.

11. On or about October 11, 2001, we learned that our application had been denied by the Board. This action was confirmed in an October 11, 2001 letter from Insignia Residential Group, the managing agent for Woodlands Owners, to the Sermans' real estate broker. No reason was provided for the denial. A copy of that letter is attached as Exhibit 2.

12. Neither my parents, Roby nor I were ever asked to appear for an interview with the Board, nor were we asked to provide added information or to explain any of our application materials.

13. When learning of our rejection, we contacted Richard F. Bellman, our counsel in this matter. Mr. Bellman thereafter wrote a letter dated October 15, 2001 to Marlene Bard, president of the Board for Woodlands Owners, requesting an explanation for the Board's rejection of our application. Mr. Bellman's letter further stated that, in the absence of a legitimate justification for the rejection, we would infer that the rejection constituted discrimination on the basis of Roby's race and national origin. He also asked that the Board reconsider its action and accept our application. A copy of Mr. Bellman's letter is attached as Exhibit 3.



14. On October 26, 2001, Mitchell Dix, counsel for Woodlands Owners, responded, stating that before the Board could consider Mr. Bellman's request of October 15, 2001, we would have to respond to numerous requests for additional documents and information. Included among these requests, was one for "IRS certified income tax returns" for 1999 and 2000. A copy of Mr. Dix's letter is attached as Exhibit 4.

15. On October 31, 2001, we responded to the Board's requests, providing all the documents asked for, except for the IRS certified tax returns. In a covering letter, Mr. Bellman explained that IRS instructions for requesting certified tax returns indicated that it would take at least 60 days to process such a request, that plaintiffs could not afford this delay, and the Board's instructions for completing the original application did not require such certification.

16. We were thereafter advised that the Woodlands Owners Board would consider our request on November 20, 2001.

17. On November 30, 2001, Mitchell Dix, counsel for Woodlands Owners, informed Mr. Bellman that the Board decided at its November 20<sup>th</sup> meeting not to reconsider its rejection of our application.

18. There is no financial or other legitimate justification for the Board's rejection of our application. My parents, Roby and I are qualified in every respect to purchase the shares for the subject premises and Roby and I are qualified to reside at the subject building.

19. We strongly believe that the Board's decision to reject our application was based on Roby's race and national origin.

20. We are seeking immediate relief from this Court as we fear that we will lose the opportunity to buy the subject premises. Reeve Serman, who has been cooperative with us to date, has advised us repeatedly that he cannot afford to wait any longer to sell his apartment. Mr.



Serman has told us that he needs the proceeds from apartment 3G because he recently bought a home in Ontario and has consequently taken out a costly loan. See November 16, 2001 Affidavit of Reeve Serman. We understand that he has placed apartment 3G back on the market and his broker is showing it to other prospective buyers.

21. We therefore respectfully request this Court's intervention and assistance in helping us to buy the subject premises.

Defendants.

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NAOMI ABRAHAM

Sworn to before me this  
\_\_\_ day of December 2001

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Notary Public